

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

SANDRA MARIA DE FATIMA SEDA
BARLETTA

DEBTOR

CASE NO. 19-02177 MCF

CHAPTER 13

**SPECIAL APPEARANCE BY FORMER COUNSEL FOR THE DEBTOR
AND REQUESTING ORDER TO CLARIFY COURT RECORD**

**TO THE HONORABLE MILDRED CABAN FLORES
UNITED STATES BANKRUPTCY COURT:**

COMES NOW, Noemí Landrau Rivera, former counsel for Debtor, Sandra María de Fátima Seda Barletta, and before this Honorable Court most respectfully states and prays:

1. Debtor, filed a Chapter 13 petition for relief on April 22, 2019, under the legal representation of counsel Noemí Landrau Rivera, to stay the foreclosure of Debtor's principal residence and propose a plan of reorganization. Counsel Landrau represented Debtor until March 11, 2021 date in which this Honorable Court granted undersigned's motion to withdraw as legal counsel. Docket No. 82 and 85.

2. On May 29, 2019, while the Debtor was still represented by undersigned counsel, the Debtor filed an "Application for Employment of Real Estate Broker for the Estate Pursuant to 11 U.S.C. §327(a) and FRBP 2014" (the "Application"), requesting the employment of real estate broker Pedro Betancourt to market Debtor's property in the captioned case. Docket No. 12.

3. On June 19, 2019 this Honorable Court entered order approving the employment of real estate broker, Pedro Betancourt, and entered order which read: "The Court having considered *the application of the Debtor* to employ Pedro Betancourt and declaration in support thereof, and it appearing that Pedro Betancourt is a disinterested person and that the employment of said Real Estate Broker is in the best interest of this estate, it is hereby **ORDERED that the Debtor herein is authorized to employ Pedro Betancourt as Real Estate Broker**, with compensation to be paid in such amounts as may be allowed by the Court upon proper application and notice thereof." (Our emphasis). See docket no. 16.

4. That on June 8, 2021 the undersigned was made aware by counsel for the Chapter 13 Trustee, that the Application filed at docket no. 12 incorrectly included the signature of the Chapter 13 Trustee, Alejandro Oliveras Rivera, who did not sign or authorize the Application for the employment of real estate broker. Upon becoming privy to the situation, undersigned counsel immediately verified the Court docket and confirmed that the Application appears to be filed by this attorney, Noemi Landrau Rivera, but that appearance and the electronic signature in the PDF Application filed before the Court appears under the name of Alejandro Oliveras Rivera. This is the first time in twenty-three (23) years of practice that such a situation has occurred and it appears to have occurred due to an honest mistake and inadvertence of the office staff and personnel of the office of undersigned counsel. Counsel has discussed the situation with the Trustee and has agreed to file the present motion in order to clarify that the Application was not filed by the Trustee but by Debtor's counsel at the time, Noemi Landrau Rivera, Esq.

5. Former counsel for Debtor, hereby makes this special appearance to clarify the record and state that Chapter 13 Trustee, Alejandro Oliveras Rivera, did not file the Application at docket no. 12 but that the same was filed by the Debtor, who at that time was represented by counsel Noemi Landrau Rivera and that the signature which should have appeared as the attorney filing the Application was the electronic signature of Noemí Landrau Rivera USDC PR No. 215510. Although the order granting the Application ultimately authorizes Debtor to employ real estate broker, Pedro Betancourt, the undersigned previous counsel of Debtor wishes to clarify the record so that it is clear the Trustee Oliveras Rivera was not the movant, nor did he file nor sign the pleading at docket 12. Rather the motion was filed by Debtor thru her former attorney.

6. Former counsel for Debtor further informs this Court and all other parties in interest, that as of the time of undersigned counsel's withdrawal as attorney, Mr. Pedro Betancourt was no longer working as a real estate broker on behalf of the Debtor.

7. In view of the above stated and in order to clarify the record, former counsel for Debtor respectfully requests that an order be entered eliminating from the Application filed at docket no. 12 any reference to Chapter 13 Trustee, Alejandro Oliveras Rivera as the movant and signee of the Application and entering order noting that the Application was filed by counsel Noemí Landrau Rivera, Esq on behalf of Movant and Debtor, Sandra María de Fátima Seda Barletta.

WHEREFORE, the former counsel for Debtor respectfully requests that this Court grant this motion and enter order eliminating from the Application filed at docket no. 12 any reference to Chapter 13 Trustee, Alejandro Oliveras Rivera as the movant and signee of the Application and entering order noting that the Application was filed by counsel Noemí Landrau Rivera, Esq. on behalf of Movant and Debtor, Sandra María de Fátima Seda Barletta.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 14th day of June, 2021.

NOTICE TO ALL PARTIES IN INTEREST

Within fourteen (14) days after service as evidenced by the certification, and an additional 3 days pursuant to F.R.B.P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If you file a timely response, the court may, in its discretion, schedule a hearing

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends a notification of such filing to all parties in this case registered for receipt of notice by electronic mail including the US Trustee at ustregion21.hr.ecf@usdoj.gov; the Chapter 13 Trustee, current counsel for the Debtor, Isabel Fullana, counsel for creditor, Luis M. Suarez Lozada and counsel for Banco Popular de Puerto Rico, Eduardo Veray, and via regular mail to the Debtor, to 8 Calle Tapia, Ocean Park, San Juan, PR 00911.

LANDRAU RIVERA & ASSOC.

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